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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,204	08/09/2000	John W. Geurtsen	81527	4194

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EXAMINER

PURVIS, SUE A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 07/02/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/634,204

Applicant(s)

GEURTSSEN ET AL.

Examiner

Sue A. Purvis

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Larson (US Patent No. 5,650,037).

Larson discloses a decorating apparatus with decorating units (25, 26, 27). Containers that are to be decorated or labeled, as the case may be, are supplied to the machine by an infeed belt conveyor (18) on which the containers (17) have little, if any, space between them. After the containers (17) on the turntable (12) are decorated, at one or more of the decorating stations in units (25, 26, 27), the containers are transferred consecutively from turntable (12) to an outfeed starwheel (28). The starwheel (28) discharges the decorated containers to linear outfeed conveyors (29, 30) in the stated order. In the decorating units (25, 26, 27), the web advances away from metering rolls (98, 99) to pass around successive idler rolls (101, 102) and a roll (103) on a shuttle system which is designated generally by the numeral (100). The function and structure of the shuttle system will be discussed in detail later. After passing around the shuttle roll (103), the web (95) goes around an idler roll (105) and, after passing a detector (106) for a registration mark (211) the web moves along and in contact with an elongated plate (107) with

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the opposite side from the inked side of the web bearing on the platen. The platen is heated with temperature regulated electric heaters to warm the ink which is necessary for it to be released from the web substrate. The web emerges from the heated platen (107) and passes between a roller (108), of eight identical rollers, on typical transfer head (70) and the periphery of a container at the decorating station (9) which is the place where the graphics or thermal transfer ink images are rolled onto rotary containers (15) in succession.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Twele (US Patent No. 5,250,129) in view of Brandt et al. (US Patent No. 5,650,028).

Twele discloses an apparatus for applying heat sensitive labels. Figure 1 shows a device for applying heat sensitive labels where the heater (2) heats the labels and then a reciprocating platen (21) is used to press the labels onto the containers. (Col. 2, lines 46-63).

The platen in Twele is not heated.

Brandt discloses a container labeling system. As shown in Figure 2, the labeling web (112) is passed across a warm platen (130) prior to the label transfer station. A heated roll (134) is then used to press the label onto each container, and the backing layer (10) is then removed by a take-up reel (150). (Col. 6, lines 14-24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a heated plate, like the one disclosed in Brandt, in the device of Twele, because Brandt teaches that it is favorable to have a heating means both before and while pressing the label onto the article when a heat activated label is used. Also, one having ordinary skill in the art would appreciate that is necessary to ensure the adhesive remains heated during the label application to the container and by heating the applicator in Twele, such as is done in Brandt, ensures that the adhesive remains tacky.

Regarding claim 3, the platen in Twele is reciprocating.

5. Claims 4, 5, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Twele in view of Brandt as applied to claims 1 and 3 above, and further in view of Tagawa et al. (US Patent No. 6,402,868 B1).

Neither Twele nor Brandt teach having a rubber layer on the heated applicator, however it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a rubber layer, because it is well known that rubber helps to uniformly distribute the heat. This would help ensure the entire label is heated and the adhesive thereon are heated sufficiently. This is discussed in Tagawa. (Col. 4, lines 14-18).

Regarding claims 5 and 15, it is within the purview of one having ordinary skill in the art to use a rubber layer of 80 durometer silicone. The artisan would see the advantages of using that type of rubber.

6. Claims 6-11, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Twele in view of Brandt and Tagawa as applied to claim 5 above, and further in view of Morin (US Patent No. 5,817,210).

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Twele in view of Brandt and Tagawa does not disclose have a TEFLON fiberglass covering.

Morin teaches using a TEFLON fabric sheet (107), comprised of a 6 mil Teflon, fiberglass fabric whose purpose is to substantially reduce the tendency of the rubber pad (106) to stick to a transfer sheet. (Col. 4, lines 20-41).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a Teflon sheet, as disclosed in Morin, in the device of Twele in view of Brandt and Tagawa, because Morin teaches that such a sheet would reduce the tendency of the transfer sheet from sticking to the rubber layer on the peeler bar. The Teflon sheet in Morin is .23 inches, however it is within the purview of one having ordinary skill in the art to use a thinner sheet, because the artisan would know what thickness of Teflon would work in the device of Twele in view of Brandt and Tagawa.

Regarding claims 7 and 17, it would have been obvious to one having ordinary skill in the art at the time the invention was made to heat the contact plate to 450 degrees F, because it is within the purview of the artisan to know what temperature is needed to heat the adhesive on the label sufficiently to ensure the adhesive adheres to the article.


Regarding claims 8-11, these features are shown in the device of Twele as seen in Figure 1.

*Conclusion*


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Purvis whose telephone number is 703-305-0507. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rick Crispino can be reached on 703-308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5665.

  
Sue A. Purvis  
Examiner  
Art Unit 1734

sp  
June 26, 2002

  
RICHARD CRISPINO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700